

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Criminal No. 95-81157

Plaintiff,

Civil Action No. 01-72319

vs.

HON. BERNARD A. FRIEDMAN

RONNIE HOLMES,

Defendant.

**ORDER DENYING DEFENDANT'S RULE 60(b)(3) MOTION**

Defendant has filed a motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b)(3). Defendant pled guilty to bank robbery and was sentenced in July 1999. The court of appeals affirmed in April 2001. Defendant filed a § 2255 motion, claiming among other things ineffective assistance of counsel, in June 2001, and the court denied the motion in November 2001.

The instant motion again claims ineffective assistance of counsel. As the court has already decided this issue against defendant, the instant motion is an untimely motion for reconsideration or an improper second or successive § 2255 motion. In any event, the instant motion is untimely under Rule 60(b), which requires (b)(1), (b)(2), and (b)(3) motions to be filed within one year of the judgment. Defendant has missed this filing deadline by nearly six years. Accordingly,

IT IS ORDERED that defendant's Rule 60(b)(3) motion [docket entry 98] is denied.

Dated: May 15, 2006  
Detroit, Michigan

s/Bernard A. Friedman  
BERNARD A. FRIEDMAN  
CHIEF UNITED STATES DISTRICT JUDGE

**I hereby certify that a copy of the foregoing document  
was served this date upon counsel of record  
electronically and/or via first-class mail.**

/s/ Patricia Foster Hommel  
Patricia Foster Hommel  
Secretary to Chief Judge Friedman